

## Maine Revised Statutes

### Title 12: CONSERVATION

#### Chapter 925: FISH AND WILDLIFE MANAGEMENT AND RESEARCH HEADING: PL 2003, c. 414, Pt. A, §2 (new); Pt. D, §7 (aff); c. 614, §9 (aff)

#### §12803. DESIGNATION OF ENDANGERED SPECIES

**1. Standards.** The commissioner shall recommend a species to be listed as endangered or threatened whenever the commissioner finds one of the following to exist:

- A. The present or threatened destruction, modification or curtailment of its habitat or range; [ 2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF). ]
- B. Overutilization for commercial, sporting, scientific, educational or other purposes; [ 2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF). ]
- C. Disease or predation; [ 2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF). ]
- D. Inadequacy of existing regulatory mechanisms; or [ 2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF). ]
- E. Other natural or manmade factors affecting its continued existence within the State. [ 2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF). ]

[ 2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) . ]

**2. Commissioner's duties.** In recommending a species to be listed as endangered or threatened, the commissioner shall:

- A. Make use of the best scientific, commercial and other data available; [ 2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF). ]
- B. Consult, as appropriate, with federal agencies, other interested state agencies, other states having a common interest in the species and interested persons and organizations; and [ 2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF). ]
- C. Maintain a list of all species that the Legislature has designated to be endangered or threatened, naming each species by both its scientific and common name, if any, and specifying over what portion of its range each species so designated is endangered or threatened. [ 2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF). ]

[ 2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) . ]

**3. Legislative authority.** The Legislature, as sole authority, shall designate a species as a state endangered or state threatened species. The list of state endangered or state threatened species by common name, scientific name and status is as follows:

- A. Least tern, *Sterna antillarum*, endangered; [ 2007, c. 166, §1 (AMD). ]
- B. Golden eagle, *Aquila chrysaetos*, endangered; [ 2003, c. 573, §6 (NEW); 2003, c. 573, §8 (AFF); 2003, c. 655, Pt. C, §§3, 6 (AFF). ]
- C. Piping plover, *Charadrius melodus*, endangered; [ 2003, c. 573, §6 (NEW); 2003, c. 573, §8 (AFF); 2003, c. 655, Pt. C, §§3, 6 (AFF). ]
- D. Sedge wren, *Cistothorus platensis*, endangered; [ 2007, c. 166, §1 (AMD). ]

- E. Grasshopper sparrow, *Ammodramus savannarum*, endangered; [2003, c. 573, §6 (NEW); 2003, c. 573, §8 (AFF); 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- F. Box turtle, *Terrapene carolina*, endangered; [2003, c. 573, §6 (NEW); 2003, c. 573, §8 (AFF); 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- G. Black racer, *Coluber constrictor*, endangered; [2003, c. 573, §6 (NEW); 2003, c. 573, §8 (AFF); 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- H. Roseate tern, *Sterna dougallii*, endangered; [2003, c. 573, §6 (NEW); 2003, c. 573, §8 (AFF); 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- I. Northern bog lemming, *Synaptomys borealis*, threatened; [2003, c. 573, §6 (NEW); 2003, c. 573, §8 (AFF); 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- J. Blanding's turtle, *Emydoidea blandingii*, endangered; [2003, c. 573, §6 (NEW); 2003, c. 573, §8 (AFF); 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- K. Black tern, *Chlidonias niger*, endangered; [2003, c. 573, §6 (NEW); 2003, c. 573, §8 (AFF); 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- L. American pipit, *Anthus rubescens* (breeding population only), endangered; [2007, c. 166, §1 (AMD).]
- M. Peregrine falcon, *Falco peregrinus* (breeding population only), endangered; [2007, c. 166, §1 (AMD).]
- N. Roaring Brook mayfly, *Epeorus frisoni*, endangered; [2007, c. 166, §1 (AMD).]
- O. Ringed boghaunter, *Williamsonia lintneri*, threatened; [2007, c. 166, §1 (AMD).]
- P. Clayton's copper, *Lycaena dorcas claytoni*, endangered; [2003, c. 573, §6 (NEW); 2003, c. 573, §8 (AFF); 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- Q. Edwards' hairstreak, *Satyrium edwardsii*, endangered; [2003, c. 573, §6 (NEW); 2003, c. 573, §8 (AFF); 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- R. Hessel's hairstreak, *Callophrys hesseli*, endangered; [2007, c. 166, §1 (AMD).]
- S. Katahdin arctic, *Oenis polixenes katahdin*, endangered; [2003, c. 573, §6 (NEW); 2003, c. 573, §8 (AFF); 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- T. Spotted turtle, *Clemmys guttata*, threatened; [2003, c. 573, §6 (NEW); 2003, c. 573, §8 (AFF); 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- U. [2009, c. 60, §1 (RP).]
- V. Razorbill, *Alca torda*, threatened; [2003, c. 573, §6 (NEW); 2003, c. 573, §8 (AFF); 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- W. Atlantic puffin, *Fratercula arctica*, threatened; [2003, c. 573, §6 (NEW); 2003, c. 573, §8 (AFF); 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- X. Harlequin duck, *Histrionicus histrionicus*, threatened; [2003, c. 573, §6 (NEW); 2003, c. 573, §8 (AFF); 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- Y. Arctic tern, *Sterna paradisaea*, threatened; [2003, c. 573, §6 (NEW); 2003, c. 573, §8 (AFF); 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- Z. Upland sandpiper, *Bartramia longicauda*, threatened; [2003, c. 573, §6 (NEW); 2003, c. 573, §8 (AFF); 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- AA. Swamp darter, *Etheostoma fusiforme*, threatened; [2003, c. 573, §6 (NEW); 2003, c. 573, §8 (AFF); 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- BB. Tidewater mucket, *Leptodea ochracea*, threatened; [2003, c. 573, §6 (NEW); 2003, c. 573, §8 (AFF); 2003, c. 655, Pt. C, §§3, 6 (AFF).]

- CC. Yellow lampmussel, *Lampsilis cariosa*, threatened; [2003, c. 573, §6 (NEW); 2003, c. 573, §8 (AFF); 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- DD. Tomah mayfly, *Siphonisca aerodromia*, threatened; [2003, c. 573, §6 (NEW); 2003, c. 573, §8 (AFF); 2003, c. 655, Pt. C, §§3, 6 (AFF).]
- EE. [2007, c. 166, §1 (RP).]
- FF. Twilight moth, *Lycia rachelae*, threatened; [2007, c. 166, §1 (AMD).]
- GG. Pine barrens zanclognatha, *Zanclognatha martha*, threatened; [2007, c. 166, §1 (AMD).]
- HH. Redfin pickerel, *Esox americanus americanus*, endangered; [2007, c. 166, §1 (NEW).]
- II. Juniper hairstreak, *Callophrys gryneus*, endangered; [2007, c. 166, §1 (NEW).]
- JJ. Rapids clubtail, *Gomphus quadricolor*, endangered; [2007, c. 166, §1 (NEW).]
- KK. New England cottontail, *Sylvilagus transitionalis*, endangered; [2007, c. 166, §1 (NEW).]
- LL. Black-crowned night heron, *Nycticorax nycticorax*, threatened; [2007, c. 166, §1 (NEW).]
- MM. Common moorhen, *Gallinula chloropus*, threatened; [2007, c. 166, §1 (NEW).]
- NN. Great cormorant, *Phalacrocorax carbo* (breeding population only), threatened; [2007, c. 166, §1 (NEW).]
- OO. Short-eared owl, *Asio flammeus* (breeding population only), threatened; [2007, c. 166, §1 (NEW).]
- PP. Purple lesser fritillary, *Boloria chariclea grandis*, threatened; [2007, c. 166, §1 (NEW).]
- QQ. Sleepy duskywing, *Erynnis brizo*, threatened; [2007, c. 166, §1 (NEW).]
- RR. Boreal snaketail, *Ophiogomphus colubrinus*, threatened; [2007, c. 166, §1 (NEW).]
- SS. Brook floater, *Alasmodonta varicosa*, threatened; [2007, c. 166, §1 (NEW).]
- TT. Barrow's goldeneye, *Bucephala islandica*, threatened; and [2007, c. 166, §1 (NEW).]
- UU. Least bittern, *Ixobrychus exilis*, endangered. [2007, c. 166, §1 (NEW).]

[ 2009, c. 60, §1 (AMD) .]

**4. Process for recommendation; notice and hearings.** Prior to recommending an addition, deletion or other change to the endangered and threatened species listed in subsection 3, the commissioner shall provide for public notice and public hearings on that proposed recommendation in accordance with the provisions of Title 5, chapter 375, subchapter 2.

[ 2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

**5. Designation by Legislature.** The Legislature may not amend the list of endangered or threatened species in subsection 3 except upon the recommendation of the commissioner.

[ 2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

#### SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 573, §6 (AMD). 2003, c. 573, §8 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §§C3,6 (AFF). 2007, c. 166, §1 (AMD). 2009, c. 60, §1 (AMD).

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